



COMMONS REGISTRATION ACT 1965

Reference No 27/U/22

In the Matter of King George V Playing
Field, Longframlington, Alnwick
District, Northumberland

DECISION

This reference relates to the question of the ownership of land known as King George V Playing Field (formerly The Fair Ground), Longframlington, Alnwick District being the land comprised in the Land Section of Register Unit No VG. 7 in the Register of Town or Village Greens maintained by the Northumberland County Council of which no person is registered under section 4 of the Commons Registration Act 1965 as the owner.

Following upon the public notice of this reference the Clerk of Longframlington Parish Council in a letter dated 14 October 1972 said that her Council are trustees of the land and the General Secretary of the Commons, Open Spaces and Footpaths Preservation Society in a letter dated 30 May 1977 said that the land was allotted in an Award dated 10 August 1855 for the inclosure of Longframlington Common to James Fenwick subject to the obligation of permitting it to be used at all times for exercise and recreation by the inhabitants of the Chapelry of Longframlington and neighbourhood and that he had been told by the National Playing Fields Association that the land belongs to the Parish Council. No other person claimed to be the freehold owner of the land in question or to have information as to its ownership.

I held a hearing for the purpose of inquiring into the question of the ownership of the land at Alnwick on 21 June 1977. At the hearing Longframlington Parish Council were represented by Mr N W Garside solicitor of Wade & Percy, Solicitors of Alnwick.

Mr W T Dinsmore, who is the chairman of the Parish Council, produced the Longframlington Inclosure Award dated 10 August 1855 (made under the Second Annual Inclosure Act 1853, 16 & 17 Vict c.120). The Award contains an allotment as follows:- "And I...do hereby allot...unto James Thomas Fenwick (who has consented to receive the same as part of his allotment) all that piece...of land numbered 59 on the said map annexed containing four acres two roods and fourteen perches to be held by him and his heirs and assigns subject to the obligation of perserving the surface thereof in good condition, of permitting the annual fairs to be held thereon and of permitting such lands to be at all times used for exercise and recreation by the Inhabitants of the said Chapelry and neighbourhood...".

Mr Garside produced the Parish Council Minute Book from 1894 to date, and said that the only entry which could be relevant related to a meeting of the electors held on 15 March 1938: "It was asked what steps the Parish Council had taken to obtain grants towards the renovation of the Village Green with a view to the provision of playing fields. The Clerk stated that to date no Association would make any grant as the ground was not freehold. Miss Fenwick



intimated that she thought the Trustees of the Longframlington Estate if approached would consider turning their interests in the Green over to the Parish Council. Mr Lamb read the paragraphs taken from the Award relating to the Village Green and Institute Ground".

Mr Dinsmore said that the Parish Council would like to be owners, but they could not (save as set out above) offer any evidence of ownership.

I am familiar with the lay-out of the land comprised in this Register Unit, having visited the Village to look at the adjoining land which was also allotted by the 1855 Award, and which was the subject of a hearing before me on 8 March 1977: re Allotments Longframlington decision dated 16 March 1977 reference 227/U/17. I therefore accept Mr Dinsmore's identification of the land comprised in this Register Unit with the piece numbered 59 on the 1853 Award map produced.

On this hearing, I am concerned with the ownership of the legal estate in fee simple, see section 22(2) of the 1965 Act. The 1853 Award in my opinion vested such estate in John Fenwick Esquire, and contemplates that he should have some beneficial interest; although under the conditions now existing in this Village, such beneficial interest may be of little or no value, I cannot on the evidence put before me conclude that the legal estate which by operation of law would pass to his heirs or assigns, has ceased to exist or has (apart from the 1965 Act) passed to the Parish Council. Having no evidence about his heirs or assigns, I am not satisfied that any person is the owner of the land.

Accordingly in pursuance of section 8(3) of the 1965 Act, I shall direct the Northumberland County Council, as registration authority, to register Longframlington Parish Council as the owner of the land.

I am required by regulation 30(1) of the Commons Commissioners Regulations 1971 to explain that a person aggrieved by this decision as being erroneous in point of law may, within 6 weeks from the date on which notice of the decision is sent to him, require me to state a case for the decision of the High Court.

Dated this 27th day of June _____ 1977

a. a. Baden Fuller

Commons Commissioner